IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1230 of 2007()

CRIME NO. 160 OF 2004 OF EAST POLICE STATION, KOLLAM

PETITIONER/ACCUSED

MARTIN ALIAS BABU, SON OF IGNATIUS,
RESIDING AT HOUSE NO.7, VADDY CO-OPERATIVE
COLONY, UDAYAMARTHANDAPURAM CHERRY,
MUNDAKKAL VILLAGE, KOLLAM.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT
ERNAKULAM, THROUGH THE SUB INSPECTOR OF POLICE,
EAST POLICE STATION, KOLLAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.1230 of 2007

DATED: 26th February 2007

O R D E R

Petitioner who is the accused in Crime No. 160 of 2004 of East Police Station, Kollam for offences punishable under Sections 447, 427 and 34 I.P.C. , seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. Presusmably, consequent on the non-appearance of the petitioner in C.C. 821/2004 on the file of the J.F.C.M.-II, Kollam, non bailable warrants of arrest are pending against the petitioner. He would contend that he did not receive summons from the said court.

4. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. The case against the petitioner has been transferred to the L.P. Register as L.P. No. 553/06. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two

weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the petitioner's explanation for his previous non-appearance.

With the above observation this application is dismissed.

V.RAMKUMAR,
JUDGE.

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